

## Whistleblowing Policy: All Staff

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Date: March 2020

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## Purpose

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The Trust is committed to conducting its business with honesty and integrity and expects all staff to maintain high standards in accordance with their contractual obligations and the Trust's policies and procedures.

This policy is written solely for the purpose of raising concerns about wrongdoings or dangers. This policy should not be used for personal grievances (e.g. bullying, harassment, discrimination), which are not covered by whistleblowing law.

## Aims & scope of the policy

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- To encourage and enable any person to feel confident in raising serious concerns in the knowledge that their concerns will be taken seriously and investigated as appropriate and that their confidentiality will be respected
- To encourage workers to feel confident in raising concerns internally, as a matter of course, where the well-being of others, or the Trust itself, is at risk
- To provide avenues for workers to raise concerns internally, as a matter of course, and know how to pursue their concerns if they are not satisfied with the outcome of the internal procedure
- To assure workers that they can raise genuine concerns in good faith without fear of reprisals, even if they turn out to be mistaken
- To establish a fair and impartial investigative procedure for concerns
- To question and act upon concerns as soon as possible
- To reassure staff that this policy reflects the Trust's current practices and applies to all individuals working at all levels of the organisation, including the Members, Trustees, Local Governors/Academy Council Members, the CEO, Headteachers, other members of our Senior Leadership Teams, employees, consultants, contractors, trainees, part-time and fixed-term workers, casual and agency staff (collectively referred to as "staff", "employees" or "workers" in this policy), who are all advised to familiarise themselves with its content.

## Equality

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The whistleblowing procedure contained in this policy must always be applied fairly and in line with both the Trust Equality Policy and the Equality Act 2010.

## What is Whistleblowing

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A whistleblower is a person who raises a genuine concern relating to the matters listed below. If employees have a genuine concern related to suspected wrongdoing at work or danger, they should report it under this policy.

Whistleblowing is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- that a criminal offence has been committed, is being committed, or is likely to be committed
- that a person has failed, is failing, or is likely to fail to comply with any legal obligations to which they are subject
- that a miscarriage of justice has occurred, is occurring, or is likely to occur
- that the health or safety of any individual has been, is being, or is likely to be endangered
- that the environment has been, is being, or is likely to be damaged, or
- that information tending to show any matter falling within any one of the preceding paragraphs has been, is being, or is likely to be deliberately concealed.

If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Trust's activities (a whistleblowing concern), you should report it under this policy following the procedure below.

## How to raise a concern

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Employees should normally raise their concerns internally with their immediate Line Manager, the Headteacher, the CEO of the Trust, or the Head of HR who is the nominated Trust Whistleblowing Lead, as appropriate. If you feel it would not be appropriate to raise the concern with one of these individuals, for

example because they are involved, then the matter should be directed to the Chair of the relevant Academy Council, or the Chair of the Trust Board.

If the matter has been directly referred to the Chair of one of our Academy Councils/the Chair of the Trust Board, a Governor or Trustee who have been designated to deal with whistleblowing concerns will deal with the matter using the process as outlined below, and they would normally be supported by the Head of HR as the designated Trust Whistleblowing Lead, unless this is not appropriate. The Trust Board designated Whistleblowing Lead is stated on the Trustees' page of the Trust website: <http://limetrust.london/about-us/members-trustees-and-governance/our-trustees/> If in doubt, please seek advice from our Head of Governance.

When an individual wishes to raise a concern, they will need to clearly identify the concerns they have.

Concerns must be raised in writing and should include the following information:

- the background and history of the concern (giving relevant dates);
- the reason why the worker is particularly concerned about the situation.

The earlier a worker expresses their concern, the easier it will be to take action.

In some instances, it may be appropriate for an employee to ask their trade union to raise a matter on the employee's behalf.

Although workers are not expected to prove beyond doubt the truth of an allegation, they will need to demonstrate that there are reasonable grounds for their concerns.

### **Internal procedure/investigation**

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#### **Stage One – Acknowledgement of Concern**

The Trust hopes that, in many cases, employees will be able to raise any concerns in writing to their Line Manager, stating that they are raising their concern under this policy. In some cases, they may refer the matter to other managers as appropriate and set out above in the previous section.

On receipt of the concern, the Line Manager will acknowledge receipt of the concern by formal letter within 7 working days and set a date and time for a meeting to be held. The employee should also be given the right of representation by a recognised trade union, or a work colleague at the meeting. The Line Manager/Headteacher/CEO can be accompanied by a notetaker and the Head of HR as appropriate.

#### **Stage Two – The Meeting**

The purpose of this meeting will be to discuss the concern and record sufficient details to enable the matter to be thoroughly investigated and agree timescales.

The name of the employee will be recorded, but it also needs to be established whether the individual wishes their identity to remain confidential. The employee has the right to have the matter treated confidentially. Should the employee wish their identity to be protected, the Trust will not disclose it unless we have to do so by law. However, it should be noted that, if employees choose to withhold their identity, it can be difficult to have complete transparency when investigating concerns. In these instances, the manager should positively encourage the employee to be named, as anonymous concerns are less powerful and much more difficult to express especially if the letter/notes of any meetings become evidence in other proceedings. Any disclosure of the employee's name will be discussed with them prior to their name being disclosed.

The notes of the meeting will be provided to the whistleblower as soon as practicable after the meeting.

#### **Stage Three – Next Steps**

Following the initial meeting with the whistleblower (normally within 10 working days), the Line Manager will consult and recommend to the Headteacher/CEO one of the following actions:

- whether the matter needs to be investigated internally by the Trust by management, internal audit, or another appropriate person

- whether the matter needs to be referred to an external auditor
- whether the matter needs to be referred to the police
- whether the matter needs to form the subject of an independent inquiry
- whether no further action is required.

The grounds for “no further action” are that:

- on the balance of probabilities, there is no evidence that any mismanagement/negligence has taken place
- the matter is already being investigated under another process
- the matter concerned is already the subject of legal proceedings

A record of the above decision should be made and kept.

If the recommendation is for the matter to be investigated, an investigating officer will be appointed (this could be an external company if the matter raised requires the investigating officer to have specialist knowledge of the subject matter). Any investigation should be completed within 20 working days. The investigator(s) may then make recommendations for change, to enable the Trust to minimise the risk of future wrongdoing/danger.

The whistleblower should be written to at this stage to confirm the decision taken and the letter should include:

- an indication of how the Trust proposes to deal with the matter i.e. no further action or an investigation to take place
- giving an indication of how long it will take to provide a final response, or when an update will be provided
- advising the person to contact their union and the Employee Assistance Programme for support

#### **Stage Four – Outcome**

If the whistleblower’s concern has been investigated under stage three, the employee will need to be written to with a final response following the outcome of any investigation that has been carried out.

Whilst it cannot always be the guaranteed outcome the whistleblower is seeking, the investigating officer will endeavour to deal with the concern fairly and in an appropriate way. If the whistleblower is not happy with the way in which their concern has been handled, they can raise it with one of the other key contacts outlined below.

#### **Concerns against Members/Trustees**

If a concern is received against a Member of the Trust/Trustee other than the Chair of the Trust Board, then this will be treated in the same way as any other concern. It will receive the same serious consideration. The concern will be raised by the Headteacher/CEO with the Chair of the Trust Board, who will decide how it should be dealt with.

If the concern is against the Chair of the Trust Board, then clearly this process cannot be followed. In such circumstances, the concern will be taken directly to the CEO and/or the ESFA as appropriate for action at the following postal address:

ESFA Complaints  
 Chief Executive’s Office  
 Cheylesmore House  
 Quinton Road  
 Coventry  
 CV1 2WT

#### **Raising concerns externally**

This policy is intended to provide a worker with an avenue within the Trust to raise concerns and we hope that the worker will be satisfied with any action taken. However, if they are not, and they feel it is right to take the matter outside the Trust, the following are possible contact points:

- Protect Advice Line: 020 3117 2520 (\* option 1), a registered whistleblowing charity whose services are free and strictly confidential
- the external auditor
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- another relevant voluntary organisation
- the police

If a worker does take the matter outside the Trust, it is their responsibility to ensure confidential information is not disclosed or handed over to a third party.

### **Support for Whistleblowers**

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It is recognised that the decision to raise a concern can be difficult, not least because of the fear of reprisals.

Any harassment or victimisation of whistleblowers will not be tolerated by the Trust and we will take action to protect individuals who have raised a genuine concern. Where a whistleblower alleges that they are/have been victimised/harassed as a result of raising a concern, the matter should be reported to the Head of HR or the Trust Board Whistleblowing Lead, as appropriate.

No information will be released regarding the identity of a whistleblower to any person within the Trust. Information will only be released to the appropriate person when there is a legal requirement to do so e.g. a court order. The only exception to this shall be where the whistleblower themselves gives written permission to release information.

### **Safeguarding**

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If a member of staff suspects that there is a serious safeguarding issue which they feel the Headteacher is not taking seriously, or that they believe there is a serious safeguarding issue involving the Headteacher, they should refer the matter to the CEO.

Safeguarding concerns can also be raised externally, using the NSPCC whistleblowing help line on 0800 028 0285 or by email to: [help@nspcc.org.uk](mailto:help@nspcc.org.uk)

### **Anonymous allegations**

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Employees are encouraged to put their name to an allegation. Proper investigation may be more difficult or impossible if we cannot obtain further information and it is more difficult to establish whether allegations are credible.

Anonymous allegations will be considered at the discretion of the Trust. In exercising this discretion, the factors that will be taken into account would include:

- the seriousness of the issues raised
- the credibility of the concern, and
- the likelihood of being able to obtain the necessary information

### **Records**

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The Trust is required to keep a register of Public Interest Disclosures (a Whistleblowing Register), which should only be accessible by the CEO/Chair of the Trust Board due to the confidential nature of the allegations and whom they are against.